

1 KATHLEEN M. LUCAS (Bar No. 80339)  
2 THE LUCAS LAW FIRM  
3 180 Montgomery Street, Suite 2000  
4 San Francisco, California 94104  
5 Tel: (415) 402-0200  
6 Fax: (415)402-0400

5 Attorneys for Plaintiff  
6 PETER SWALLOW

7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 PETER SWALLOW,

11 Plaintiff,

12 v.

13 TOLL BROTHERS, INC.; AND DOES 1-25,  
14 INCLUSIVE,

15 Defendants.

16 Case No. C 08-02311 JCS

17 DECLARATION OF PETER SWALLOW IN  
18 RESPONSE AND SUPPORT OF  
19 PLAINTIFF'S OPPOSITION TO TOLL  
BROTHER'S MOTION TO COMPEL  
ARBITRATION AND TO STAY THE  
PROCEEDINGS

20 DATE: AUGUST 29, 2008

21 TIME: 1:30 P.M.

22 JUDGE: HONORABLE JOSEPH C. SPERO

23 I, PETER SWALLOW, do hereby declare and state as follows:

24 1. I am the Plaintiff in the above matter. I have personal knowledge of the facts stated  
25 herein and, if called am competent to testify to the contents of this Declaration.

26 2. This Declaration is submitted in Response and Support of Plaintiff's Opposition to  
27 Toll Brother's Motion to Compel Arbitration and to Stay the Proceedings.

28 3. I started working at Toll Brothers on August 1, 1999.

4. I was not given a copy of the document submitted by the Defendant Toll Brothers  
entitled "Arbitration Agreement" nor was I ever told that I should seek the advice of an attorney

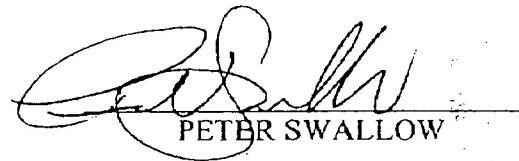
1 before signing any document at Toll Brothers other than every day documents which sometimes  
2 required consultations with lawyers for the company. I do not recall signing the document and,  
3 therefore, I do not recall whether or when I might have signed it. However, it does look like my  
4 signature but I do not understand why it is undated because it is my practice to date my signature on  
5 legal documents when they affect me. I do know that it was not executed at the time I was hired by  
6 Toll Brothers and I was never given a copy of the Federal Arbitration Act nor do I know what the  
7 Act provides or how it could affect me.

8  
9 5. At no time during my discussions with Tim Hoban, General Counsel, about my  
10 employment or at the meeting where he participated in the termination of my employment, did he or  
11 anyone mention that I had signed a document waiving any of my rights.  
12

13 6. I am not a lawyer and have no formal training in the law.

14 I declare under penalty of perjury under the laws of the State of California that the foregoing  
15 is true and correct.  
16

17 Dated: July 3, 2008  
18



PETER SWALLOW

21  
22  
23  
24  
25  
26  
27  
28

-2-